

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
No. 7:16-CR-10-1-BR

UNITED STATES OF AMERICA

v.

TIMOTHY JEROME WHITFIELD

ORDER

This matter is before the court on defendant's letter filed 14 February 2020 requesting that his sentence be reduced. (DE # 61.)

Defendant is serving an 81-month term of imprisonment for drug and firearm convictions. His projected release date is 30 June 2022. See Federal Bureau of Prisons Inmate Locator, <https://www.bop.gov/inmateloc/> (search BOP Register Number 62458-056) (last visited Mar. 25, 2020). In his recent letter, defendant seeks a sentence reduction so he may return home to take care of his wife who has been diagnosed with her third brain tumor. (DE # 61.) He submitted copies of his wife's medical records in support of this request. (DE # 61-1.)

Under 18 U.S.C. § 3582(c)(1), and upon a defendant's motion, the court may reduce a term of imprisonment based on extraordinary and compelling reasons. Such reasons include the incapacitation of the defendant's spouse when the defendant would be the spouse's only available caregiver. See BOP Program Statement 5050.50, at 9-10 (Jan. 17, 2019); U.S.S.G. § 1B1.13 n.1(C)(ii) (2018). However, before filing such a motion with the sentencing court, the defendant must submit a request to the warden of his facility for the Bureau of Prisons bring a motion on his behalf. 18 U.S.C. § 3582(c)(1)(A). After 30 days, if the defendant has not

received a response to his request, he may then file a motion in the sentencing court. Id. If the Bureau of Prisons denies his request, the defendant must fully exhaust all his administrative appeals before filing a motion. Id.

In this case, it does not appear that defendant submitted a request to the warden for the Bureau of Prisons to bring a motion on his behalf. Accordingly, defendant's letter, to the extent it could be deemed a motion for a sentence reduction, is DENIED WITHOUT PREJUDICE to defendant submitting a request to the warden and, if necessary, exhausting all his administrative appeals.

This 26 March 2020.

A handwritten signature in green ink, appearing to read "W. Earl Britt", is positioned above a horizontal line.

W. Earl Britt  
Senior U.S. District Judge